

REMARKS

Claims 1-34 are pending in this application. Claims 1, 22 and 29 are independent claims. By this Amendment, claim 1 is amended and claims 29-34 are added. No new matter is added.

Entry of Amendment After Final Rejection

Entry of the Amendment is requested under 37 C.F.R. § 1.116 because the Amendment: a) places the application in condition for allowance for the reasons discussed herein; b) places the application in better form for an appeal, if an appeal is necessary. New claims 29-34 essentially reflect the subject matter recited in claims 1-6. Entry of the Amendment is thus respectfully requested.

Priority Documents

Applicants respectfully request acknowledgment of the claim for priority and receipt of the three (3) priority documents from which this application claims priority. Certified copies of the priority documents are available on the USPTO PAIR website.

Allowable Subject Matter

Applicants note the Examiner's indication that claims 7-11, 14, 15, 17-20, 22 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent from including all of the limitations of the base claim and any intervening claims. Claims 7-11, 14, 15, 17-20, 22 and 24, as well as the remaining pending claims are allowable for the reasons discussed below.

Specification

The abstract of the specification is objected to for containing legal phraseology. As the Abstract of the specification is revised to remove legal phraseology, withdrawal of the objected is respectfully requested.

Rejections under 35 U.S.C. §102 - LINDSTROM

Claims 1-6, 12, 13, 16, 21 and 23 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0189348 ("Lindstrom"). This rejection is respectfully traversed.

Lindstrom fails to disclose each and every feature recited in the rejected claims. For example, Lindstrom fails to disclose, Hoisting frame for transferring containers, the hoisting frame, comprising...means, arranged on an underside of the frame, for picking up at least one secondary hoisting frame, which secondary hoisting frame has twist-locks for picking up at least one container, a transverse dimension of the secondary hoisting frame corresponding substantially with a transverse dimension of a container, as recited in independent claim 1.

Lindstrom discloses spreaders for lifting two containers simultaneously, side-by-side in a lateral plane (paragraph [0001]). In Lindstrom, an elongate main frame 1 is arranged and supported by cables 2 from a crane (not shown). In each end of the main frame 1, twist locks 3 are arranged for engagement with correspondingly formed corner boxes in the upper corners of a container (paragraph [0020]; FIG. 1). In a first example of the spreader of Lindstrom, as illustrated in FIG. 2, twist locks 3 are arranged in pairs in the opposite ends of two sub-frames 6 and 7, respectively, suspended from the main frame 1. At least one of the sub-frames 6, 7 is driven and controlled in the transverse direction for adjustment of the lateral width b in one or both ends of the spreader, separately or simultaneously as desired. The operation provides an optional adjustment of the relative angular position between the sub-frames 6, 7 and between the containers that are gripped by the twist locks (paragraph [0021]; FIG. 2).

FIG. 4 shows a second example of the spreader of Lindstrom wherein the sub-frames 6, 7 are pivotally suspended by rods 10 in each end of the main frame 1. In this embodiment each end of a sub-frame is suspended by rigid rods of adjustable length forming a parallelepiped, by which will be ensured a substantially lateral or horizontal orientation of the sub-frame, and of a container carried by the sub-frame, upon adjustment of the lateral distance b between sub-frames 6, 7. As illustrated in FIG. 4, the sub-frames 6, 7 may be suspended from a common, transverse guide means 11 that is driven and controlled for a lateral displacement of a load center relative to the wires 2 (paragraphs [0023]-[0024]; FIG. 4).

It is alleged in the Office Action that the sub-frames 6, 7 "are *capable* of picking up certain secondary frames of various dimensions so long as the secondary frames can

accommodate the twist locks (3)” (emphasis in the original). However, there is no disclosure or suggestion in Lindstrom that the sub-frames 6, 7 are “capable” of any such action. Rather, as discussed above, Lindstrom only recites that the sub-frames pick up containers by locking the twist locks 3 with upper corners of containers. Moreover, the rejected claims do not recite “capable of” but rather, recite “for picking up at least one secondary hoisting frame.” In other words, the claims recite that the hoisting frame includes means for picking up at least one secondary frame and the secondary frame has twist-locks for picking up at least one container. In contrast, Lindstrom discloses only sub-frames 6, 7 that are for picking up a container.

Further, the Examiner’s interpretation of Lindstrom is inconsistent with the clear disclosure of the reference. Applicants respectfully remind the Examiner that when interpreting a prior art reference, the Examiner must consider the reference as a whole and in a manner consistent with the teachings of the reference (MPEP § 2141.02(V). *W.L Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983)). Therefore, interpreting the sub-frames 6, 7 in a manner other than as described in Lindstrom is improper.

Moreover, in the rejected claims, each secondary frame has substantially the same width as a container, and the transverse dimension of the hoisting frame, in its retracted position, is approximately equal to that of the secondary frame and therefore the container. Lindstrom fails to disclose any such feature.

Therefore, Applicants respectfully request that this rejection of claims be withdrawn.

New Claims

Lindstrom fails to disclose or suggest, a combination of a primary hoisting frame and at least one secondary hoisting frame, wherein the primary hoisting frame comprises means, arranged on an upper side of the frame, for connecting the frame to at least two hoisting cables suspended at a mutual distance in a longitudinal direction of the hoisting frame; and means arranged on an underside of the frame, for picking up the at least one secondary hoisting frame; and wherein the at least one secondary hoisting frame comprises twist-locks for picking up at least one container, the at least one secondary hoisting frame having a transverse dimension that is substantially equal to a transverse dimension of the at least one container; wherein the primary

hosting frame is adjustable in a transverse direction between a retracted position, in which a transverse dimension of the frame is at most equal to that of the at least one secondary hoisting frame and the least one container, and an extended position in which the transverse dimension is larger than that of the at least one secondary hoisting frame, and wherein the means for picking up are for picking up a single secondary hoisting frame in the retracted position and for picking up two mutually adjacent secondary hoisting frames in the extended position, as recited in new claim 29, or the features of new claims 30-34 which essentially reflect the subject matter of claims 2-6.

CONCLUSION

In view of the above remarks and amendments, Applicants respectfully submit that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

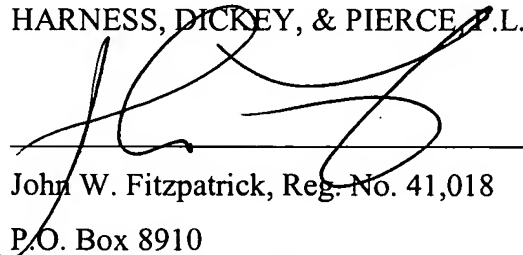
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Fitzpatrick, Reg. No. 41,018 at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By


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